

THE HON'BLE SRI JUSTICE E. DHARMA RAO

W.P.No. 17613 of 2005

This writ petition is filed seeking a declaration that the action of the Assistant Director, District Survey and Land Records, Warangal, 4th respondent herein, in not conducting resurvey for fixation of boundaries as per notice, dated 17-05-2005 in respect of petitioner's land in Sy.No.319 of Madipally village, Thorrur Mandal, Warangal District, as illegal and arbitrary and for a consequential direction to conduct resurvey for fixation of boundaries in respect of land in Sy.No.319 forthwith.

The case of the petitioner is that he is the pattedar, absolute owner and possessor of land to an extent of Ac.2-10 guntas in Sy.No.319 of Madipally village, Thorrur Mandal, Warangal District and cultivating the same by digging a bore well and by fixing an electric motor thereto about 15 years back. According to the petitioner the said land is his ancestral property and covered by agnate lands and also land of the 5th respondent. The petitioner got the said land in two bits – one is admeasuring Ac 1-10 gts. and the other is Ac. 1-00 gts. out of Sy.No. 319. It is stated that when a dispute is raised by the 5th respondent with regard to the boundaries of the land in Sy.No. 319, where the petitioner dug a bore well and fixed an electric motor, the petitioner made an application before the 4th respondent to survey the land and for fixation of boundary of Sy.No. 319 and the 4th respondent on 27-04-2002 considered the said application of the petitioner and fixed the boundaries. The petitioner alleges that though the Regional Deputy Director, Survey and Land Records, Hyderabad, 3rd respondent herein, has no power under the A.P.Survey and Boundaries Act, 1923, on the application dated 28-9-2002 made by the 5th respondent, conducted panchanama and issued tonch map showing the petitioner's land and bore well in Sy.No.320 without assigning reasons. Thereafter when the 5th respondent tried to

interfere with the land and bore well, the petitioner filed a civil suit on the file of the Junior Civil Judge, Mahaboobabad in O.S.No.268/2002 and obtained injunction in I.A.No.697/2002 on 27-12-2002 against the 5th respondent in respect of the land in question. Since the appeal petition filed by the petitioner on 17-7-2003 before the Director of Settlement, Survey and Land Records for demarcation of the lands of the petitioner in Sy.No. 319 has been rejected stating that there is no appeal provision, the petitioner approached the authorities by way of representation for resurvey of the land and for settlement of dispute. In pursuance thereof, according to the petitioner, the 4th respondent though issued notice dated 17-5-2005 has not conducted resurvey of the land in question. Aggrieved by the inaction of the respondents, the petitioner filed the present writ petition.

The main grievance of the petitioner in this writ petition is that inspite of his representation for conducting resurvey of the land in Sy.No.319 and having issued notice dated 17-5-2005 therefor, no action whatsoever is taken by the authorities. It is to be seen that the petitioner, very rightly for resolving the boundary dispute of his land, made a representation to the authorities and the authorities, though five months elapsed for resurveying the land in question from the date of notice dated 17-5-2005, have not taken action in that regard and procrastinating the issue without there being any reason. Therefore, having regard to the facts and circumstances of the case, I deem it just and reasonable to direct the 4th respondent to consider the representation of the petitioner, to which a notice dated 17-5-2005 was issued, and to resurvey the land of the petitioner in Sy.No.319 of Madipally village, Thorrur Mandal, Warangal District and dispose of the matter after giving an opportunity to both the parties and in accordance with law within six weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

16th August, 2005

BJ/

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH :
HYDERABAD

The Hon'ble Sri Justice E. Dharma Rao

W.P.No. 17613 of 2005

16th August, 2005

Between:

Challa Narsaiah ...Petitioner

And

The Dist. Collector, Warangal & Ors. ..Respondents.

